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C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 000541

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SUBJECT: TURKEY: AKP CLOSURE CASE UPDATE (3/20)

REF: A. ANKARA 536
[1](#)B. ANKARA 526

Classified By: Political Counselor Janice G. Weiner, for reasons 1.4 (b), (d)

[1](#)1. (C) Summary and comment. While the embattled Justice and Development Party (AKP) squares off to fight its closure case tooth and nail, it is also redoubling its efforts to push forward EU-oriented reforms. One AKP MP reflected on the party's past shortcomings, and opposition parties criticized AKP's maneuvering in parliament. Media commentary delved deeper into the dynamics that led up to the closure case. End summary and comment.

Tension Builds

[1](#)2. (U) The Court of Appeals applied to the Security Directorate General to increase security measures in the vicinity of the court building, citing a sharp increase in threats. Jurists have come to the defense of their colleagues -- 26 university law faculty deans signed a petition supportive of the Chief Prosecutor and warning against degrading Turkey's judiciary.

AKP Ready to "Go to the End"

[1](#)3. (C) AKP is forging ahead with its efforts to prepare a mini-constitutional amendment package (ref A). PM Erdogan reportedly told his party officials that they should "go to the end" in their efforts to "disturb the games." AKP MP Salih Kapusuz told us that by the weekend, a small AKP committee will have drafted a package to deal with future party closure cases; it will include a temporary article intended to eliminate existing closure cases, including the case against pro-Kurdish Democratic Society Party (DTP). The party will work at a compromise with Nationalist Action Party (MHP); if that is not possible, AKP will push the package through parliament, he said. Other AKPers told us they have no choice but to push their parliamentary agenda. Former AKP whip Eyup Fatsa compared the voters' choice to a line of credit: the voters had opened a fairly expansive line last summer and AKP had the obligation to make good on it. In the end, he said with some bravado, whatever happens to the party, he wants to be judged by what AKP accomplished in terms of democratization and services for constituents in its years in power.

AKP Expresses Commitment to EU Reforms

¶4. (C) Turkey's EU Secretariat General (EUSG) Political Chief Cem Kahyaoglu told us the GOT plans to move ahead with its EU reform agenda. During a marathon seven-hour meeting with senior MFA and EUSG officials on March 18, FM and chief EU negotiation Ali Babacan said AKP leadership remains determined to push ahead with EU reforms, according to Kahyaoglu. Babacan told the group the closure case requires a renewed commitment to the reform process. Presented with the EUSG's updated "to-do" list of reforms, including commercial law amendments required to open negotiations on Chapter Four (Free Movement of Capital) and implementation of the EU's Television Without Frontiers directive, Babacan said PM Erdogan plans to move the issues forward just prior to the summer recess to minimize inevitable political backlash. However the GOT plans to amend Turkish Penal Code Article 301 (criminalizing insulting "Turkishness") within the next several weeks, Babacan noted.

¶5. (C) Kahyaoglu cautioned that the EU reform process may be slowed because Babacan, weighed down by his dual FM-EU Negotiator portfolio, is unable to devote sufficient energy to the EU process. He is also under pressure to implement the desires of President Gul, his long-time mentor, and PM advisors such as Ahmet Davutoglu and Hakan Fidan. European Commission Political Officer Serap Ocak told us the closure case would be an immense distraction for Babacan and other senior AKP leaders. Reforms would certainly slow, she thought. AKP MP Salih Kapusuz told us he has proposed splitting the job of chief EU negotiator from that of Foreign Minister to allow for a more focused, effective process. AKP MP Salih Kapusuz told us he has proposed splitting the job of

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chief EU negotiator from that of FM to allow for more focused, effective progress.

¶6. (U) Several columnists wrote that the closure case was an opportunity for the AKP to renew its commitment to EU reforms. "Milliyet's" Semih Idiz stressed that the EU was a guarantee for both democracy and secularism. Cengiz Candar, "Referans", wanted AKP to "wake up" and challenge the anti-democratic elements of the state. It could do so by pushing ahead with EU reforms. Article 301 would be a litmus test for AKP's commitment to reforms, Candar thought.

AKP Needs to be Self-Critical

¶7. (C) AKP MP and Chairman of the Education Committee Mehmet Saglam claims there was no warning to the closure case and dismisses earlier hardline speeches by the military and high courts as so over-the-top and full of blatant lies that they had to be discounted. He believes his party needs to reflect critically on its own mistakes, however. First, AKP failed to limit the unchecked authority of the chief prosecutor in opening closure cases when it amended that very article of the constitution in 2005. The prosecutor cannot open a case against any bureaucrat without obtaining permission from the relevant ministry; to launch a case against the prosecutor himself, one needs the High Appeals Court's permission. But the prosecutor alone has the discretion to launch a closure case against a political party. Saglam described this a missed opportunity. Even more important was that AKP did not reassure the public -- loudly and often -- about its intentions. He acknowledged that the 53 percent of the public that did not vote for AKP "worry deeply" about the direction in which Turkey is going, but AKP had failed to signal to the public that it cherished the Turkish value of tolerance and would not try to impose its other (more pious, conservative) values on people who did not agree. He also noted that many people were disappointed, given the Prime Minister's election night promise to represent all Turks, that AKP had elected Abdullah Gul president.

MHP, CHP Oppose AKP's Approach

¶8. (U) Republican People's Party (CHP) leader Deniz Baykal criticized MHP for supporting AKP's efforts to amend the Constitution to counter closure cases. Baykal said everyone should leave the judges alone to perform their duties within the boundaries of law.

¶9. (U) MHP deputy leaders, opposed to the specifics of AKP's proposals, have established their own commission, headed by MP Faruk Bal, to review legal options. MHP's vice chair Oktay Vural told reporters the party is opposed to amendments that would alter the structure of the Constitutional Court by increasing the number of judges from the current 11 to 17, or obligating the court to unanimously decide on party closure cases. MHP also dislikes the idea of transferring the chief prosecutor's duty to file a lawsuit against a political party to Parliament. "Efforts to make the judiciary ineffective would be very wrong," MHP Secretary General Cihan Pacaci told reporters. Yet MHP has publicly called on Baykal, s CHP to join efforts to revise party closure provisions.

¶10. (C) Pacaci told us that MHP Chairman Bahceli has been consistent (Bahceli was quoted over the weekend as suggesting that parliament amend the constitution to make it more difficult to close political parties), "enhancing" his earlier statement to enumerate all the things AKP must not do, including not changing the prosecutor's authorities. He predicted AKP would ultimately be closed down, because leaving the job unfinished would only help AKP. His party preferred to see individuals face political bans.

¶11. (C) Former CHP MP from Hakkari, Esat Canan, limited his criticism of the AKP to saying that it should have made more radical reforms. He noted the case came on the heels of the Ergenekon arrests and claimed it was a product of those who did not want AKP to come to power. He held up the Constitutional Court's dubious May 2007 decision on the 367 quorum as evidence of "very anti-democratic pressure" at play and predicted final closure.

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Retired General's February Warning More than Prescient

¶12. (SBU) Ali Bayramoglu of "Yeni Safak" termed the closure case "an element of a psychological operation" with deep roots. He quoted a February 3, 2008 article in Kemalist mouthpiece "Cumhuriyet" by retired General Dogu Silahcioglu. In the original article Silahcioglu, a prominent player in the February 28 process that brought down the government of then-PM Erdogan, wrote, "In one way or another Turkey can overcome the separatist movement, but its fight against political Islam has gradually entered an impasse.... There is only one thing left in order to fight against political Islam and that is to push the AKP out of power." He cited political, legal, and social methods to achieve this goal, including: "The Court of Appeals Chief Prosecutor can open at the Constitutional Court a closure case against the AKP for being a center of anti-secular activities and get the AKP closed." Ultimate success depends, however, on the follow-on: "Supporters of Ataturk's Republic should be able to come to power using the following elections, and measures must be taken for them to remain in power until new generations are raised."

Former Minister Claims Behind-the-Scenes Links

¶13. (U) Former Education Minister and former Prime Ministry U/S Hasan Celal Guzel of "Radikal" claimed that the closure scenario was introduced when Chief of the Turkish General Staff Buyukanit sided with democracy and did not give the support CHP expected on the headscarf issue. In response, the CHP tried to weaken Buyukanit by criticizing him for the cross-border operation and at the same time got in touch with centers within the military that favored an intervention. According to rumors, retired TGS Chief General Kivrikoglu was

involved. He alleges that the Chief Prosecutor was in touch with CHP and the military.

BMENA Used in Indictment

¶14. (U) Taha Akyol of "Milliyet" quoted the indictment as stating that PM Erdogan, at every opportunity, repeated that he was the co-chairman of the Greater Middle East Project, a US project aimed at guiding countries into moderate Islamic regimes. "If this is true, it means the US is trying to pull down the regime in Turkey," writes Akyol, continuing that the Chief Prosecutor should not have made such a grave allegation without evidence.

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